

**ORDINANCE NO. 669**

**AN ORDINANCE AMENDING TITLE 17 OF THE LAS ANIMAS MUNICIPAL CODE  
CONCERNING SOLID WASTE DISPOSAL**

**WHEREAS**, the Las Animas City Council has reviewed Title 17 of the Las Animas Municipal Code; and

**WHEREAS**, such review has revealed that a revision of said Title is required to correct inequities and to update the ordinance contained therein; and

**WHEREAS**, the Las Animas City Council has determined that it is in the best interest of the citizens of the City of Las Animas, Colorado, to amend Title 17 of the Las Animas Municipal Code; and

**WHEREAS**, issues regarding Title 17 of the Las Animas Municipal Code were addressed in Ordinance No. 343 and Ordinance No. 568,

**BE IT THEREFORE ORDAINED AS FOLLOWS:**

1. That Ordinance No. 343 and Ordinance No. 568 are each repealed in their entirety.
2. That the following be adopted in regard to sanitation and solid waste disposal policies of the City of Las Animas:

A. **DEFINITIONS.** The following words and phrases shall have the meanings respectively ascribed to them:

i. **AUTHORIZED PRIVATE SOLID WASTE HAULER** shall mean any person duly qualified and operating under a license issued by the City in accordance with the provisions of this article or the licensee's duly authorized representative.

ii. **DUMPSTER** means any container that is owned by the City or licensed trash provider and provided to the customer for the collection and removal of garbage.

iii. **RESIDENTIAL** shall mean any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied as a home, and/or sleeping place. This shall include, but not be limited to single family homes, apartments, duplexes, boarding houses. For the purpose of this definition, hotels and motels are not considered to be residential.

a. **Dwellings** shall include all single family dwellings and duplexes or two-family dwellings.

b. **Apartments** shall be all residential buildings, except hotels and motels, having three or more separate living units.

iv. **BUSINESS** shall mean any building or portion thereof which does not fall under the definition of residential.

v. **CUSTOMER** shall mean the utility service account holder of record.

vi. **PERSON** shall mean natural person and all corporations, partnerships, associations and all other types and kinds of organizations and entities, without limitation.

vii. **SOLID WASTE** shall mean garbage, refuse and trash as defined herein as:

a. **Brush:** Small quantities of tree trimmings or branches that can be loaded manually by a single person. Large accumulation or branches too large for manual pickup will be considered bulky material.

b. **Bulky Material:** Refuse in quantities exceeding those normally collected and may include such items as rocks, bricks, concrete and other building materials, furniture, fixtures, plumbing, plastic and metal objects, appliances, white goods and tree limbs.

c. **Construction Debris:** Discarded building materials and rubble including but not limited to earth, cement, brick, wire, cans, flooring material, lumber, plaster, roofing materials and any other waste resulting from construction, remodeling, repair or demolition of any structure or pavement.

d. **Garbage:** Any waste accumulation of animal, fruit or vegetable matter used or intended for food and any waste, which accompanies the preparation, handling or storage of food. Animal carcasses or animal parts resulting from butchering or rendering shall not be considered garbage.

e. **Hazardous Material:** Items such as lead batteries, waste oil, paint, pesticides, fertilizers, solid dry wastes resulting from industrial or manufacturing processes.

f. **Household Trash:** All solid waste such that would fit into a 30 gallon type trash bag emanating from a residence, excluding metal goods, construction debris, yard trash, hazardous materials, brush, bulky materials, appliances and white goods.

g. **Metal Goods:** Discarded equipment, furnishings and building supplies made primarily of a metallic substance such as aluminum, iron, steel and copper. Appliances such as stoves, refrigerators, washing machines and dryers shall be considered white goods materials.

h. **Recyclable Material:** Glass, plastic, metal and paper waste generated by either a household or business that is capable of being recycled.

i. **White Goods:** Appliances such as stoves, refrigerators, dishwashers, washing machines and dryers.

j. **Yard Waste:** Grass clippings, leaves, weeds and garden waste which can be composted.

k. Excluded from Solid Waste: Solid wastes as used herein shall not include earth and wastes from building construction or remodeling operations, rocks, concrete, solid dry wastes resulting from industrial or manufacturing processes or operations, tires, ashes, hazardous waste, medical waste or other materials that cannot be disposed of at a State of Colorado approved landfill.

B. **PROHIBITED ACTS:** To protect the health, safety, and welfare of the people of Las Animas, all owners and/or occupants of residences or businesses shall have solid waste collection service, whether such service is provided by the City, by a private collector, or by other means approved by the City. In connection therewith the following such apply.

i. It shall be unlawful to bring any solid waste material into the city from outside the city, or to transport solid waste from one property to another within the city, for the purpose of collection and removal.

ii.. It shall be unlawful to accumulate or burn any solid waste or recyclable material on any land whether privately or publicly owned anywhere in the city, except as provided by other City Ordinances. All solid waste shall be collected and removed in accordance with the provisions of this chapter. An existing accumulation of solid waste shall be removed with two days after actual notice by the City to do so.

iii.. No person shall bury any debris or materials which are subject to decomposition or erosion or that encourage the presence of termites, insects or vermin anywhere within the city other than in an authorized dumping area. Debris and materials shall include, but not be limited to, trees or parts thereof, brush, roofing materials, plaster products, lumber, automobile parts and bodies, any waste which may accumulate as a result of construction or manufacturing processes wood and paper boxes, wrapping materials, wastes, and paper products.

iv. Unless otherwise permitted by the City of Las Animas, all residential and commercial buildings or portion of buildings used or intended to be used as residential units not being served by a private collector on or before May 1, 2006, shall have solid waste collection services provided by the City of Las Animas. The City shall service residences in areas annexed to the City within one year of annexation. Determination of whether an account is residential or business shall be the decision of the Director of Public Works of the City.

v. It shall be unlawful for any person to enter a dumpster for any reason unless the person doing so has been authorized to do so by the Director of Public Works. Solid waste shall become the property of the City when placed by the consumer for collection in an approved container provided by the City of Las Animas.

vi. It shall be unlawful for any customer going upon the premises of another to in any manner dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials except in receptacles provided for such purposes.

vii. It shall be unlawful for any person to throw, drop, place, cast, deposit or leave or cause to be thrown, dropped, placed, cast, deposited or left upon any public street, alley, sidewalk, park, thoroughfare or public place or upon any yard, lot or premises, either public or private, any filth of any kind, dirt, cans, trash, paper, containers, rubbish, bottles, wood shavings or debris, brush, tree trimmings, dung, excrement, compost manure, ashes or litter of any kind.

C. RATES AND FEES:

i. RATES FOR COLLECTION OF SOLID WASTE. Rates for collection of solid waste, including special fees and special handling, for all residents of the city shall be set by resolution and published one time in the official city newspaper.

ii. SPECIAL FEES IN ADDITION TO THE BASE RATES PROVIDED. There shall be an additional charge in those cases where the Public Works Department personnel must collect any type of solid waste at a location other than the alley, curb or other normal solid waste vehicle collection point.

iii. SPECIAL HANDLING. Special handling costs, as determined by the Director of Public Works, shall be charged to those customers for whom the Public Works Department personnel must spend extra time, use special equipment or where special conditions warrant the imposition of special handling fees to cover the costs of collecting and disposing of large accumulations of demolition debris, large amounts of tree trimmings by one or more owner or residents, and similar circumstances.

a. Where the use of City owned containers causes unusual wear or damage to the containers, a special fee based on an accelerated depreciation shall be levied against such user to ensure adequate funds for maintenance and replace of such containers.

b. Any special conditions not included in the above rates shall be determined by the Director of Public Works

D. OCCUPANT AND OWNER RESPONSIBLE FOR COMPLIANCE. The occupant and the owner of real property served with solid waste removal by the City or by other approved private solid waste collectors are jointly and individually responsible for compliance with the provisions of this chapter. Consumers shall correct all violations within 24 hours of notification by the City. If an inspection reveals that a violation continues beyond 24 hours, the City shall take such action as is necessary to abate the violation including code enforcement proceedings and prosecution, and assessment of costs.

E. DUTY OF BUSINESS OWNERS, OCCUPANTS.

i. Generally. The owner or occupant of any store or other place of business situated within the city shall exercise reasonable diligence at all times to keep his or her premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials thrown or left on the premises by its customers, and to take reasonable measures to prevent the same drifting or blowing to adjoining premises.

ii. Dumpsters. Dumpsters of sufficient number shall be placed on the premises accessible to the customers of such business where the above referred to articles of waste may be disposed of.

iii. Level of Service. The owner or his agent of every mobile home park, multiple family dwelling, business establishment, industrial concern and all residential buildings shall subscribe to and utilize the services of either the City solid waste collection service or that of a private collector as described hereinabove. Such service shall include the use of a publicly or privately owned container, or dumpster.

a. In the case of mobile home parks and multiple family dwellings, the owner or his agent shall provide a minimum of 0.75 cubic yard capacity for each mobile home space in the park or each living unit in the multiple family dwelling, located not more than 150 feet from each and every unit in the park or dwelling unless permitted otherwise by the city.

b. No owner of any mobile home park or multiple family dwelling or any business or industrial concern shall allow old furniture, appliances, beds, boxes or other material to accumulate or to deposit such material on or about his premises or on any public way without having first made arrangements for the collection service to pick up and dispose of such material. Pick up arrangements may include the payment of appropriate fees.

F. **ACCUMULATION and COLLECTION.** The emptying or disposing of any garbage, trash, refuse or rubbish, or the accumulation of any such matters, in any place within the City is hereby prohibited, and no one except the duly authorized agents and employees of the City shall collect garbage and refuse or empty cans containing garbage or refuse substances, or convey or transport garbage or refuse substances on the streets, alleys and public thoroughfares of the City, except as otherwise expressly provided in the Las Animas Municipal Code.

G. **DISPOSITION OF HEAVY ACCUMULATIONS.** Heavy accumulations, such as brick, broken concrete, lumber, ashes, dirt and plaster, sand or gravel, automobile frames and parts, dead trees, and other bulky, heavy material, shall be disposed of at the expense of the owner or person controlling same under the supervision of the City.

H. **DISPOSITION OF CERTAIN WASTES.** Manure from cow lots, horse stables, poultry yards, pigeon lofts, and waste oils from garages or filling stations shall be disposed of at the expense of the party responsible for same under the direction of the Director of Public Works.

I. **BURNING PROHIBITED.** No garbage, trash or refuse shall be burned in the streets and alleys of the city under any circumstances, and no garbage, trash or refuse shall be burned on private property except by permission of the Las Animas Police Department.

J. **PREPARATION AND DISPOSAL OF GARBAGE FOR RESIDENTIAL CUSTOMERS:**

i. Household trash and garbage shall be drained of all fluid and placed in bags for collection.

ii. Bags shall be airtight, securely tied and placed in the approved dumpster(s) for collection.

iii. Garbage must be placed in the dumpsters for collection and removal by the City provider.

iv. Only approved containers that are provided by the City are to be used for the disposal of garbage.

v. The dumpster lid shall be closed at all times. The dumpster is not to be used for rocks, hot coals or ashes, batteries, heavy building materials, masonry products, tree limbs, dirt, sod or hazardous materials, steel products (pipe, auto parts, large belts, angle iron, etc.), medical waste, or large dead animals.

vi. White goods, brush, yard waste, furniture, tires, etc., shall not be placed in dumpster.

vii. Pet waste must be bagged.

viii. Solid waste shall not be placed in the alleys.

ix. Solid waste shall not be placed on or around the dumpster.

K. PREPARATION OF YARD WASTE.

- i. Yard waste shall not be placed for collection with garbage or household trash.
- ii. Yard waste shall be placed for collection in the alley of the property producing the yard trash but not upon a street or sidewalk, nor within five feet of a fence, guy wire, vehicle or other obstruction that might impede collection.
- iii. An additional fee as established by resolution will be charged and added to the residents' monthly bill.
- iv. The bags of yard waste shall not exceed 40 pounds.
- v. Residents may haul their own yard waste to the designated yard waste drop off area.
- vi. The resident will be responsible to pay any tipping fees associated with the disposal of the yard waste.
- vii. Any yard waste placed in the alley without contacting in Public Works Department will be considered a violation of this code and may result in a fine and/or special handling fee.

L. PREPARATION OF BRUSH/LUMBER.

- i. All brush and lumber shall be separated from other items and placed in the alley for scheduled pickup.
- ii. Items shall not impede traffic.
- iii. All brush and lumber must be cut to lengths of 4-6 feet to be considered a small quantity.
- iv. Large amounts of brush that cannot be picked up easily by an individual sanitation worker will require the use of special equipment and must be scheduled by calling the Public Works Department with a possible additional charge.
- v. Brush and lumber must be separated from all other solid waste.
- vi. Any commingled waste will be considered a special pickup and a fee may be assessed.
- vii. Residents may haul their own yard waste to the designated yard waste drop off area.
- viii. The resident will be responsible to pay any tipping fees associated with the disposal of the yard waste.
- xi. Any brush/lumber placed in the alley without contacting the Public Works Department will be considered a violation of this code and may result in a fine and/or special handling fee.

M. PREPARATION OF METAL GOODS, WHITE GOODS AND OTHER BULKY ITEMS.

- i. Metal goods, white goods and bulky items are collected by special equipment and must be scheduled by calling the Public Works Department.
- ii. All metal and white goods shall be separated from all other solid waste. Bulky items should also be separated from all other solid waste. Any commingled items will be considered a special pickup and a fee may be assessed.
- iii. Residents may haul their own metal goods, white goods, and bulky items to the designated roll off area.
- iv. The resident will be responsible to pay any fees associated with disposal of these items.

v. Refrigerators, freezers and air conditioners require special handling and must be scheduled for pickup by calling the Public Works Department (all of these items must be certified that all coolant gases are removed).

vi. All metal and white goods and other bulky items shall be placed for collection in the alley of the property. Items placed for disposal shall not be placed more than two days in advance of the pickup unless prior arrangements have been made with the Public Works Department.

vii. Any metal, white goods, bulky items, refrigerators, freezers, heaters or air conditioners placed in the alley, without contacting the Public Works Department will be considered a violation of this code and may result in a fine and/or special handling fee.

#### N. SPECIAL PICKUPS.

i. Special pickups of solid waste including household trash, metal goods, white goods, bulky items and tires shall be made in accordance with this chapter and as determined by the Public Works Director or his designee.

ii. Large and heavy accumulations associated with an owner or renter moving out shall be considered a special pickup.

iii. Accumulation of more than three items will be considered as bulky items and will be subject to a special handling fee as set forth by resolution.

iv. The Public Works Director or his designee shall establish any fee not described in the fee resolution of the City Council based upon actual City costs of collection and disposal of the solid waste.

#### O. SOLID WASTE GENERATED AS THE RESULT OF A CODE VIOLATION.

Solid waste that is generated as the result of a code violation notice or citation shall be the responsibility of the owner/occupant to dispose of. Failure of the owner/occupant to dispose of the solid waste will be considered a separate violation. Any cost associated with the removal of Solid Waste by the City of Las Animas will be billed to the owner/occupant of the property.

P. CONSTRUCTION DEBRIS AND YARD WASTE AND BRUSH GENERATED BY A LANDSCAPING BUSINESS. Landscaping businesses, such as tree trimmers, tree surgeons and yard and lawn services shall remove yard waste created by their work. The consumer shall be responsible to pay the costs of yard waste collection by the City for yard trash created by a landscape business.

#### Q. MINIMUM STANDARDS FOR TRANSPORTATION OF SOLID WASTE.

The following minimum standards and requirements are hereby established for the sanitary transportation of solid waste:

i. Every vehicle used for the transportation of solid waste shall display a valid permit, issued by the City to transport solid waste, unless exempted in accordance with the provisions of this article.

ii. Every vehicle shall be provided with a means of covering the solid waste to be hauled and of keeping the contents securely contained. Covers shall be of metal, wood, or canvas providing that the contents of the body are securely held.

iii. Every vehicle shall be kept well painted, clean and in good repair.

iv. Every vehicle shall be cleaned as often as may be necessary to prevent odors and attraction of flies and vermin.

v. The vehicle licensed under the provisions of this article shall carry an identifying sign on each side which shall be clearly legible and shall include the name under which the vehicle is licensed.

vi. No vehicle shall be loaded with solid waste in any manner which will permit the material to fall from the vehicle while the same is in motion. All solid waste materials being transported shall be adequately secured against any wind dispersal, jiggling or jarring which might allow such material to fall from the vehicle.

vii. Any vehicle used for the transportation of containers holding undrained garbage, swill or offal shall be constructed and maintained so as to prevent splash, spillage, drippage or leakage of liquid from the vehicle.

R. **DISPOSITION OF TRASH OR REFUSE.** All licensees shall only deliver solid waste to areas designated or approved by the City or the State Department of Health and Environment and shall not dispose of any solid waste by depositing or dumping the same in or upon any street, avenue, boulevard, alley, park or public grounds, or along the banks of any river, stream, drainage, canal, drainage ditch or natural water course within or without the City limits or in any unlicensed privately owned disposal area except as may be directed in areas designated by the City or the State Department of Health and Environment.

#### S. REGULATION OF PRIVATE SOLID WASTE COLLECTORS.

i. **PRIVATE SOLID WASTE COLLECTORS** shall have the capability of providing a complete solid waste collection service to businesses. Complete service shall mean adequate numbers of staff, trucks, containers and related equipment to provide the service required by each customer without solid wastes accumulating in objectionable quantities. Complete service shall also include office and facilities to provide maintenance of collection vehicles, and equipment to provide backup service in the event of breakdowns, delays because of inclement weather, closure of the landfill or other reasons so that solid wastes do not accumulate in objectionable quantities.

ii. **LICENSE REQUIRED.** It shall be unlawful for any person to collect, transport, or haul on any streets or alleys in the City or to dispose in any manner of any refuse accumulated in the City without first having obtained a private trash hauler's license in accordance with the terms of this article. EXCEPT, this section shall not apply to the following:

- a. The sanitation department or other departments of the City;
- b. Any and all governmental agencies;
- c. Persons who collect and transport refuse produced on premises owned or occupied by the person;
- d. Builders, wrecking or demolition contractor or other persons engaged in construction or similar occupations;
- e. Persons, firms, or corporations engaged in occupations known as tree trimmers or tree surgeons, agriculture, arboriculture, horticulture, gardening, lawn care, landscaping, nursery work or similar occupations;
- f. Provided, however, that such persons who are not required to obtain a license under the provisions of this article shall comply with all other provisions of this article regulating the transportation of solid waste over and upon the streets and alleys of the City.

iii. **LICENSE FEES.** Effective May 1, 2006, License Fees for Private Collectors shall be set by Resolution of the City Council but in no case shall such fee be less than 5% of the gross revenue derived from the sale of solid waste collection service within the corporate limits of the City as they exist from time to time. Such license fee shall be paid to the city each calendar quarter on the tenth business day after the first days of January, March, July, and October of each year.



iv. **ADJUSTMENT.** The amount of such license fee based on gross revenue may be changed by Resolution of the City Commission at any time, provided that such resolution shall be passed 30 days in advance of its effective date. Following its passage, the licensee shall be advised of the change by the City. Such change in percentage shall be effective with the next billing date following the effective date of said resolution. The City shall also publish a public announcement of the fee to be imposed in a newspaper of general circulation in the City.

v. **COLLECTOR'S RECORDS.** The Collector shall provide at the time of payment a signed statement indicating the gross receipts based on charges within the corporate limits within the City of Las Animas. The City shall have the right to request any necessary records from the Collector to substantiate those receipts if it deems necessary. For the purpose of determining whether or not each and every residential or business account is paying the required service fee, the City shall also have the right to request and receive, after giving reasonable notice, names and addresses of all customers serviced by Private Collectors.

vi. **PRORATION OR REFUNDING OF LICENSE FEE.** No license shall be issued for less than the annual fee provided for by this article and no portion of the license fee shall be prorated or refunded.

vii. **COLLECTION OF LICENSE FEES.** The City Clerk shall collect all license fees and deposit the same to the Sanitation Fund.

viii. **INSURANCE COVERAGE.** Insurance coverage for Private Collectors shall be issued by a company authorized to do business in Colorado and shall provide liability insurance in the aggregate of not less than the maximum liability of a government for claims arising out of a single occurrence as provided by the Colorado Tort Claims Act or other similar future law, said maximum limit now established at \$500,000. A certificate of insurance shall be furnished to the City Clerk and said certificate or endorsement thereto shall contain a provision that the issuer will not cancel or terminate the policy as filed with the City Clerk without giving of not less than 30 days notice of its intention to cancel or terminate to the City Clerk for and on behalf of the City of Las Animas.

ix. **INDEMNIFICATION OF THE CITY.** Private Collectors shall, at all times, protect and hold the City harmless from all claims, action, suits, liability, loss, expense or damages of every kind and description, including investigation costs, court costs, and reasonable attorney's fees, which may accrue to or be suffered or claimed by any person or persons arising out of the negligence of said Private Collector in the ownership, maintenance, and operation of said solid waste collection business, and by reason of any license, property right or system used in the operation of said business, providing the City gives the Private Collector(s) prompt notice of any such claims, actions and suits, without limitation, in writing.

x. **LOCATION OF EQUIPMENT.** The location of waste containers and the duration of use at such location shall be approved in advance by the City's Public Works Director. Containers shall be placed on private property and shall not interfere with the solid waste removal services provided by the City. The City shall have the right to, if necessary, direct the location of collection equipment, i.e. containers, etc. if those items

cause a problem with regard to ingress or egress to and from properties or other collection or operational activities of the City or other utility.

xi. **MAXIMUM SERVICE FEES.** Maximum service fees charged by the collector shall be filed with the City of Las Animas City Clerk at times of annual licensing or other times that fees are adjusted for the various levels of service provided by the collector. If the City determines that it does not believe the rates filed are reasonable, it may request financial information from the private collector, justifying the reason for the rate level.

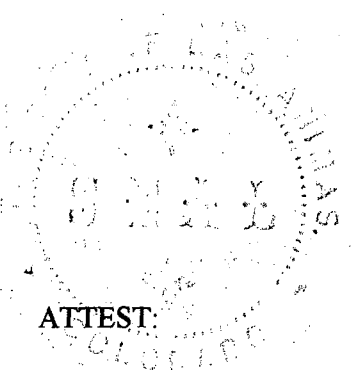
xii. **REVOCATION OF LICENSE.** Any license issued by virtue of the provisions of the articles of the Las Animas Municipal Code may be revoked by City Council upon conviction of the violation of any of the provisions of the Las Animas Municipal Code or the laws of the State of Colorado pertaining to the operation of a motor vehicle, or the transportation and disposal of solid waste.

T. **ENFORCEMENT AND PENALTY.** Any person violating the provisions of this Ordinance or of the provisions in the Las Animas Municipal Code to which it relates, shall be deemed guilty of a misdemeanor, and upon conviction thereof may be punished by a fine in an amount not exceeding three hundred dollars or by imprisonment in jail not exceeding ninety days, or by both such fine and imprisonment. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

PASSED on first reading this 11th day of April, 2006.

ADOPTED on second reading this 9th day of May, 2006.

CITY OF LAS ANIMAS, COLORADO

  
Lawrence Sena  
By: Lawrence Sena, Mayor

ATTEST:

Charmaine Tripp  
Charmaine Tripp, City Clerk